

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02586

COUNSEL: None

JUN 25 1998

HEARING DESIRED: Yes

---

APPLICANT REQUESTS THAT:

1. The full extent of his disabilities at the time of his retirement be appropriately reevaluated.
  2. He be awarded the Medal of Honor.
- 

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

---

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

---

AIR FORCE EVALUATION:

The Chief Medical Consultant, AFBCMR, reviewed the application and states a review of medical records does not disclose any evidence to support correction of records from length of service retirement to disability retirement. Evidence of record and medical examinations prior to retirement indicate the applicant was fit and medically qualified for continued military service, retention or appropriate separation and did not have any physical or mental defects which would have warranted consideration under the provisions of AFR 35-4. He, therefore, failed to overcome the presumption of fitness that would have triggered evaluation under the disability evaluation system and consideration for a medical retirement TAW AFR 35-4. Retirement for length of service is

proper and in accordance with Air Force directives which the implement. The Department of Veterans Affairs is charged with evaluating conditions that, while not unfitting for military service, may progress with time and alter an individual's ability to function and to be gainfully employed, and to compensate eligible veterans for such service-connected disabilities as has occurred in this case. The Medical Consultant is of the opinion that no change in the records is warranted and the application should be denied.

A complete copy of the evaluation is at Exhibit C.

The Chief, USAF Physical Disability Division, Dir of Pers Prog Mgt, AFPC/DPPD, reviewed the application and states they verify that the applicant was not referred to or considered by the Air Force Disability System under the provisions of AFR 35-4. The purpose of the military disability system is to maintain a fit and vital force by separating members who are unable to perform the duties of the grade, office, rank or rating. Those members who are separated or retired by reason of physical disability may be eligible, for certain disability compensations. Eligibility for disability processing is established by a Medical Evaluation Board (MEB) when the board finds that the member may not be qualified for continued military service. The decision to conduct an MEB is made by the medical treatment facility providing care to the member. Applicant has not submitted any material or documentation to show that he was unfit for continued military service at the time of his voluntary retirement. They recommend denial of the applicant's request.

A complete copy of the evaluation is at Exhibit D.

---

The applicant reviewed the Air Force evaluations and states his requested action is that the full extent of his disabilities at the time of his retirement be appropriately reevaluated. He understands the relevance/irrelevance of Veterans Administration (VA) physical examinations and evaluations of service connected disabilities. It is his contention that all of the conditions and service connected disabilities found by the VA were in existence at the time of his retirement and should have been so acknowledged by the United States Air Force at that time.

A complete copy of the evaluation is at Exhibit E.

---

ADDITIONAL AIR FORCE EVALUATION.

The Recognition Programs Branch, Promotions, Eval & Recognition Div, AFPC/DPPRA, reviewed the application and states that they believe the applicant was merely making a point, not a request for the Medal of Honor. It seems he wished to stress the fact that higher ranking officers (applicant was a lieutenant at the time) broke under the interrogations and wrote false confessions. The applicant is not eligible for any additional decorations for having been a Prisoner of War, since he received the Bronze Star Medal and Prisoner of War Medal, as it would constitute "dual recognition," which is not authorized. They recommend no action be taken regarding the applicant's statement regarding the Medal of Honor.

A complete copy of the evaluation is at Exhibit F.

The Chief Medical Consultant, AFBCMR, review the application and states that records clearly show the applicant was fit for duty through all the years of his active duty service, and, while having some residual problems relating to his Korean War experiences, he was well and able to perform his duties up to the time of his retirement. He is being compensated appropriately by the DVA for his service-connected, but not unfitting, conditions, and no change in his reason for retirement is indicated. The BCMR Medical Consultant is of the opinion that no change in the records is warranted and the application should be denied. Nothing further can be added to this case review that would change the facts as they exist,

A complete copy of the evaluation is at Exhibit G.

---

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluations and states that the intent of data, statements, and documentation submitted by him, is submitted for the sole purpose of informing reviewing authorities of the existence of the disability known to the medical profession for many years, including the years of his service, as Post Traumatic Stress Disorder and the propensity and high probability for this disability to occur under circumstances of extreme Trauma, which he experienced fourfold during his wartime service with the USAF. The data, statements and documentation which he has submitted are not meant for the purpose of justifying the award of the Medal of Honor. On the contrary, the information submitted, such as statements by General Z---, are meant to verify and validate the occurrence and significance of those extremely Traumatic Events which he had experienced. His

retirement physical examination did not include an evaluation, or referral for evaluation of Traumatic Stress Disorder Disabilities irrespective of the fact that extremely Traumatic events had occurred during his wartime services. Those traumatic events are a matter of record now and were so recorded at the time of his retirement physical examination. If procedures existed for referral for psychiatric evaluation of personnel having experienced extreme Traumatic events, they were negligently not followed. If procedures did not exist at the time of his retirement physical examination, in view of the fact that Post Traumatic Stress Disorder was a well known and widely accepted medical fact, then the USAF was negligent in not establishing those proper referral procedures to do so.

A complete copy of the evaluation is at Exhibit I.

---

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
  2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
  3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We took notice of the applicant's complete submission in judging the merits of the case, however, we agree with the opinion and recommendation of the Air Force and adopt their rationale as the basis for our conclusion that the applicant has not been the 'victim of an error or injustice. The personal sacrifice the applicant has endured for his country is noted and our decision should in no way lessen his service; however, insufficient documentary evidence has been presented to warrant awarding him the Medal of Honor. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.
  4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.
-

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

---

The following members of the Board considered this application on 4 June 1998 under the provisions of AFI 36-2603:

Ms. Martha Maust, Panel Chair  
Mr. Michael P. Higgins, Member  
Mr. Gregory H. Petkoff, Member  
Ms. Gloria J. Williams, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 27 Aug 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFBCMR Medical Consultant, dated 3 Nov 97.
- Exhibit D. Letter, AFPC/DPPD, dated 19 Nov 97.
- Exhibit E. Applicant's Response, dated 12 Jan 98, w/atchs.
- Exhibit F. Letter, AFPC/DPPPRA, dated 13 Mar 98.
- Exhibit G. Letter, AFBCMR Medical Consultant, dated 30 Mar 98.
- Exhibit I. Applicant's Response, dated 14 Apr 98.

  
MARTHA MAUST  
Panel Chair